

Terrell	Wagstaff.
of Val Verde.	Walker.
Towery.	Warwick.
Turner.	West of Coryell.
Van Zandt.	Wiggs.
Vaughan.	Young.

The Speaker announced that there was not a quorum present.

Mr. Anderson asked unanimous consent that the House stand at ease until 4 o'clock p. m. today.

There was no objection offered, and is was so ordered.

The House, accordingly, at 12:15 o'clock p. m., stood at ease until 4 o'clock p. m. today.

The House reconvened at 4 o'clock p. m., and was called to order by Speaker Minor.

The roll was again called, and the following members were present:

Mr. Speaker.	Holland.
Adamson.	Holloway.
Albritton.	Hoskins.
Anderson.	Johnson
Barron.	of Dimmit.
Bounds.	Lasseter.
Carpenter.	Lemens.
Caven.	Lilley.
Coltrin.	McCombs.
Coombes.	McGill.
Daniel.	Olsen.
Donnell.	O'Quinn.
Dowell.	Patterson.
Dunlap.	Petsch.
Elliott.	Ray.
Engelhard.	Rountree.
Ferguson.	Sanders.
Ford.	Satterwhite.
Fuchs.	Smith of Bastrop.
Gilbert.	Sparkman.
Giles.	Stevenson.
Goodman.	Steward.
Grogan.	Van Zandt.
Hanson.	Wagstaff.
Hardy.	Weinert.
Hefley.	West of Coryell.
Herzik.	West of Cameron.

Absent.

Adams of Harris.	Burns of Walker.
Adams of Jasper.	Burns
Adkins.	of McCulloch.
Akin.	Claunch.
Alsup.	Cox of Lamar.
Baker.	Cox of Limestone.
Beck.	Cunningham.
Bedford.	Dale.
Bond.	Davis.
Boyd.	Dodd.
Bradley.	Duvall.
Brice.	Dwyer.
Brooks.	Farmer.
Bryant.	Farrar.

Finn.	Metcalf.
Fisher.	Moffett.
Forbes.	Moore.
Graves.	Morse.
Greathouse.	Munson.
Harman.	Murphy.
Harrison	Nicholson.
of El Paso.	Pope.
Harrison	Ramsey.
of Waller.	Ratliff.
Hill.	Reader.
Hines.	Richardson.
Holder.	Rogers.
Howsley.	Savage.
Hubbard.	Scott.
Hughes.	Shelton.
Jackson.	Sherrill.
Johnson	Smith of Wood.
of Dallam.	Stephens.
Jones of Shelby.	Strong.
Jones of Atascosa.	Sullivant.
Justiss.	Tarwater.
Kayton.	Terrell
Keller.	of Cherokee.
Kennedy.	Terrell
Laird.	of Val Verde.
Lee.	Towery.
Leonard.	Turner.
Lockhart.	Vaughan.
Long.	Walker.
McDougald.	Warwick.
McGregor.	Westbrook.
Magee.	Wiggs.
Martin.	Wyatt.
Mathis.	Young.
Mehl.	

The Speaker announced that there was not a quorum present.

ADJOURNMENT.

On motion of Mr. Sanders, the House, at 4:05 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

SECOND DAY.

(Friday, November 4, 1932.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Bedford.
Adams of Harris.	Bond.
Adams of Jasper.	Bounds.
Adamson.	Boyd.
Akin.	Bradley.
Albritton.	Brice.
Alsup.	Bryant.
Anderson.	Burns
Barron.	of McCulloch.
Beck.	Carpenter.

Caven.	Lasseter.
Coltrin.	Lemens.
Coombes.	Lilley.
Cox of Lamar.	Long.
Cox of Limestone.	McCombs.
Cunningham.	McGill.
Daniel.	McGregor.
Donnell.	Magee.
Dowell.	Mathis.
Dunlap.	Metcalf.
Dwyer.	Moore.
Elliott.	Morse.
Engelhard.	Murphy.
Farmer.	Nicholson.
Ferguson.	Olsen.
Finn.	O'Quinn.
Fisher.	Patterson.
Forbes.	Petsch.
Ford.	Pope.
Fuchs.	Ramsey.
Giles.	Ray.
Goodman.	Reader.
Graves.	Rountree.
Greathouse.	Sanders.
Grogan.	Satterwhite.
Hanson.	Savage.
Hardy.	Scott.
Harrison	Shelton.
of El Paso.	Sherrill.
Harrison	Smith of Bastrop.
of Waller.	Smith of Wood.
Hefley.	Sparkman.
Herzik.	Stephens.
Hines.	Stevenson.
Holder.	Steward.
Holland.	Strong.
Holloway.	Van Zandt.
Hoskins.	Vaughan.
Hughes.	Wagstaff.
Jackson.	Walker.
Johnson	Weinert.
of Dimmit.	West of Coryell.
Jones of Shelby.	West of Cameron.
Jones of Atascosa.	Westbrook.
Justiss.	Wiggs.
Kayton.	Wyatt.
Laird.	Young.

Absent.

Adkins.	Leonard.
Baker.	Lockhart.
Brooks.	McDougald.
Claunch.	Martin.
Davis.	Moffett.
Dodd.	Ratliff.
Farrar.	Richardson.
Gilbert.	Tarwater.
Hill.	Terrell.
Hubbard.	of Cherokee.
Johnson	Terrell
of Dallam.	of Val Verde.
Keller.	Towery.
Lee.	Warwick.

Absent—Excused.

Burns of Walker.	Duvall.
Dale.	Harman.

Howsley.	Rogers.
Kennedy.	Sullivant.
Mehl.	Turner.
Munson.	

A quorum was announced present.
Prayer was offered by the Rev.
John W. Holt, Chaplain.

PROCLAMATION BY THE GOVERNOR.

The Speaker laid before the House
and had read the following procla-
mation by the Governor:

Proclamation by the
Governor of the State of Texas.

To all to Whom These Presents Shall
Come:

Whereas, On account of the recent
decision of the Federal court, relat-
ing to the proration and conserva-
tion of oil and gas, our proration
and conservation statutes are ren-
dered inadequate to properly con-
serve and prorate the production of
oil and gas in this State, making it
necessary to amend the conservation
laws in order to conserve one of our
greatest natural resources; and

Whereas, There is grave danger
of the entire collapse of proration
orders of the Railroad Commission,
thereby causing great destruction
and waste of this natural resource.
Now, therefore,

I, R. S. Sterling, Governor of the
State of Texas, by virtue of the au-
thority vested in me by the Consti-
tution of this State, hereby call a
Special Session of the Forty-second
Legislature of Texas, to be convened
in the city of Austin, Texas, com-
mencing at 12 o'clock m., Thurs-
day, the 3rd day of November, A. D.
1932, for the following purposes:

1. To amend the conservation stat-
utes of the State of Texas relating
to the production of oil and gas.

2. To consider and act on such
other subjects of public imperative
importance as the Executive may,
from time to time, during the ses-
sion, submit by message or other
wise.

In testimony whereof, I have here-
unto signed my name officially and
caused the seal of the State to be
impressed at Austin, Texas, this the
2nd day of November, A. D. 1932.

R. S. STERLING,

(Seal) Governor of Texas.

By the Governor:

JANE Y. McCALLUM,
Secretary of State.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Alsup, Mr. Stephens and Mr. Metcalfe, for yesterday, on motion of Mr. Dowell.

Mr. Mehl for yesterday and today, on motion of Mr. Fuchs.

Mr. Vaughan for yesterday, on motion of Mr. Ford.

Mr. Rogers for yesterday, on motion of Mr. Hoskins.

Mr. Kennedy for yesterday and today, on motion of Mr. Young.

Mr. Scott for yesterday, on motion of Mr. West of Coryell.

Mr. Dale for yesterday and today, on motion of Mr. West of Coryell.

Mr. Walker for yesterday, on motion of Mr. Finn.

Mr. Duvall for yesterday and today, on motion of Mr. Patterson.

Mr. Harman for yesterday and today, on motion of Mr. Westbrook.

Mr. Westbrook for yesterday, on motion of Mr. Steward.

Mr. Howsley for yesterday and today, on motion of Mr. Ford.

Mr. Justiss for yesterday, on motion of Mr. Donnell.

Mr. Burns of Walker for yesterday and today, on motion of Mr. Daniel.

Mr. Akin for yesterday, on motion of Mr. Sanders.

Mr. Forbes for yesterday, on motion of Mr. Sanders.

Mr. Munson and Mr. Rogers for yesterday, on motion of Mr. Patterson.

Mr. Smith of Wood for yesterday, on motion of Mr. Coombes.

Mrs. Strong for yesterday, on motion of Mrs. Rountree.

Mr. Turner for yesterday, on motion of Mr. Fuchs.

The following members were granted leaves of absence on account of illness:

Mr. Sullivant for yesterday and today on account of serious illness of his father, on motion of Mr. Van Zandt.

Mr. Lee for yesterday and today, on motion of Mr. West of Coryell.

PROVIDING FOR COMMITTEES TO NOTIFY GOVERNOR AND SENATE OF ORGANIZA- TION OF THE HOUSE.

Mr. Sanders offered the following resolution:

Be it resolved, That the Speaker appoint two committees of five members each, one to notify the Governor and the other to notify the Senate, that the House of Representatives is now organized and ready to transact business.

SANDERS,
MURPHY.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to notify the Governor:

Messrs. Savage, Jones of Atascosa, Brice, Morse and Bedford.

In accordance with the above action, the Speaker announced the appointment of the following committee to notify the Senate:

Messrs. McGregor, Finn, Burns of McCulloch, Carpenter and Hardy.

RELATIVE TO THE MILEAGE AND PER DIEM OF MEM- BERS OF THE LEGIS- LATURE.

Mr. Sanders offered the following resolution:

H. C. R. No. 1, Relative to mileage and per diem of the members of the Legislature.

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring, That the pay of the members of the Fourth Called Session of the Forty-second Legislature is hereby fixed at \$10 per diem; be it further

Resolved, In addition to the per diem the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall be two dollars and fifty cents (\$2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct route of travel, from a table of distance prepared by the Comptroller to each county seat now or hereafter to be established; no member to be entitled to mileage for any extra session that

may be called within one (1) day after the adjournment of the Regular or any Called Session.

The resolution was read second time and was adopted.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Sanders:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary, out of the general revenues, to pay the per diem and mileage of members, the per diem of officers and employes and the contingent expenses of the Fourth Called Session of the Forty-second Legislature of the State of Texas, convened on the 3rd day of November, 1932, by proclamation of the Governor; to supplement the like appropriation of the Regular Session, First, Second and Third Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers or employes of the Regular Session, First, Second and Third Called Sessions of said Legislature, etc., and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Anderson:

H. B. No. 2, A bill to be entitled "An Act amending Article 3891 of the Revised Civil Statutes as amended by the Forty-second Legislature, providing for the disposition of fees of office and setting maximum for precinct, county and district officers; providing that if any part of this act is held unconstitutional it shall not affect the remaining parts of the act; repealing all laws in conflict herewith; fixing the effective date of the bill, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Wagstaff, Mr. Beck, Mr. Mathis, Mr. Steward, Mr. Ford, Mr. Long, Mr. Satterwhite, Mr. Walker, Mr. Finn, Mr. Morse, Mr. Metcalfe, Mr. Sherrill and Mr. Holland:

H. B. No. 3, A bill to be entitled "An Act regulating crude petroleum oil and natural gas relative to the production, transportation and storage; amending Section 1 of Chapter 26 of the Acts of the Forty-second Legislature, First Called Session, changing the definitions of waste and prohibiting waste as defined, and eliminating the restrictions upon the power of the Commission therein contained, and eliminating the last paragraph of said section; providing that the Railroad Commission of Texas cannot regulate as waste any process of refining crude petroleum oil, etc., and declaring an emergency."

Referred to Committee on Oil, Gas and Mining.

PROVIDING FOR PRE-SESSION PAY FOR CERTAIN EMPLOYEES.

Mr. Sanders offered the following resolution:

Resolved, That the following be allowed pre-session per diem for work in preparing the House before organization:

Two porters, 1 day each.

The resolution was read second time and was adopted.

PROVIDING FOR NEWSPAPERS FOR MEMBERS OF THE HOUSE.

Mr. Holder offered the following resolution:

Resolved, That each member be allowed one daily newspaper during the Fourth Called Session of the Forty-second Legislature, ordered through the Committee on Contingent Expenses and to be paid for out of the contingent expense fund of the House.

HOLDER,
ROUNTREE.

The resolution was read second time and was adopted.

PROVIDING POSTAGE FOR MEMBERS.

Mr. Young offered the following resolution:

Resolved, That each member be allowed a total of \$3.00 for postage stamps and \$5.00 for telegrams and telephone calls; and that the Speaker be allowed an additional \$10.00; that the Sergeant-at-Arms be allowed \$3.00 for postage stamps, and that the

Chief Clerk be allowed \$5.00 for postage stamps and \$5.00 for telegrams and telephone; and that the Committee on Appropriations and the Committee on Contingent Expenses be allowed \$10.00 each for postage stamps and telegram and telephone, to be paid out of the contingent fund of the House;

Resolved, That the post office box rent of the members of the House shall be paid out of the contingent fund of the House, upon approval of the Contingent Expense Committee;

Resolved, That all requisitions for paper and supplies necessary for the preparation of bills for the engrossing and enrolling rooms, the minute books and blank papers for use of committees, the letterheads, envelopes, etc., to be used by the members or employes of the House be made under the direction of the Committee on Contingent Expenses;

Resolved, That the Chairman of the Committee on Contingent Expenses be authorized to rent typewriters for the use of stenographers and enrolling clerks and engrossing clerks of the House, and to purchase typewriter ribbons, the cost of same to be paid out of the contingent fund of the House;

Resolved, That the Sergeant-at-Arms shall be the custodian of all stationery and stationery supplies required by the House; that said supplies be obtained and disposed of and accounted for by the Sergeant-at-Arms, as provided for by Rule 3, Section 4, of the Rules of the Thirty-third Legislature;

Resolved, That no allowances included in this resolution shall be expended except for actual expenses of the members, committees, and officers of the House hereinabove named.

YOUNG,
LEMENS.

The resolution was read second time and was adopted.

SENATE NOTIFIED.

The committee appointed to notify the Senate that the House is now organized and ready for the transaction of business, appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them.

GOVERNOR NOTIFIED.

The committee appointed to notify the Governor that the House is now

organized and ready for the transaction of business, appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them.

PROVIDING FOR EMPLOYES OF THE HOUSE.

Mr. Sanders offered the following resolution:

Be it resolved, That the Speaker of the House shall appoint the following employes for the Fourth Called Session of the Forty-second Legislature to serve for such compensation as is hereinafter provided for:

One Parliamentarian to the House at \$10.00 per day.

One secretary to the Speaker at \$7.50 per day.

One clerk for the Speaker at \$5.00 per day.

One secretary to the Chief Clerk at \$5.00 per day.

One assistant to the Chief Clerk at \$5.00 per day.

One page to the Chief Clerk at \$3.00 per day.

One Warrant Clerk at \$5.00 per day.

One assistant to the Journal Clerk at \$7.50 per day.

One superintendent of stenographers at \$7.50 per day.

One mailing clerk for Journal at \$5.00 per day.

One assistant to Mailing Clerk at \$5.00 per day.

One Superintendent of the House at \$5.00 per day.

One Mimeograph Clerk at \$5.00 per day.

Twelve pages at \$2.50 per day.

Fifteen expert stenographers at \$5.00 per day.

Two pages for Doorkeeper at \$3.00 per day.

One secretary for Mr. Van Zandt at \$4.00 per day.

One secretary for Mr. Lon Alsup at \$4.00 per day.

One bookkeeper for the Sergeant-at-Arms at \$7.50 per day.

One storekeeper to Sergeant-at-Arms at \$4.00 per day.

One clerk to Sergeant-at-Arms at \$4.00 per day.

One night watchman at \$4.00 per day.

Twelve porters at \$3.00 per day.

One chief operator for voting machine at \$7.50 per day.

One assistant operator for voting machine at \$5.00 per day.

One clerk to the Contingent Expense Committee at \$7.50 per day.

Resolved, That it shall be the duty of the Speaker, and he is hereby empowered, to dispense with the services of any employe who, in his judgment, is not further needed, or for the misconduct of any employe; and he shall have the power to appoint extra help whenever, in his judgment, it is needed. The duties of the employes heretofore mentioned shall be such as are required by the Speaker of the House of Representatives. Any of the employes may be excused by the Speaker for causes deemed by him sufficient; providing further, that any employe who shall absent himself without leave shall not receive any compensation for the time missed during his absence. The salaries of the employes shall begin when they are instructed to begin work by the Speaker.

SANDERS,
SATTERWHITE,
FORD.

The resolution was read second time and was adopted.

RESIGNATION OF REPRESENTATIVE VICTOR B. GILBERT.

November 3, 1932.

Governor R. S. Sterling, Austin, Texas.

My Dear Governor: I herewith tender my resignation as Representative of the One Hundred and Seventh Legislative District of Texas, effective at once.

Very truly yours,

VICTOR B. GILBERT.

VBG:MN

EMPLOYES OF THE HOUSE.

The Speaker announced the appointment of the following employes:

Parliamentarian, Read Granberry.
Secretary to the Speaker, Maude Nowlin.

Clerk for Speaker, Ross DeMauri Terry.

Secretary to Chief Clerk, Madge Baker.

Assistant to Chief Clerk, James Wigington.

Page to Chief Clerk, William White.

Warrant Clerk, Mrs. Susie Rudasill.

Assistant to Journal Clerk, Gussie Evans.

Superintendent of Stenographers, Mrs. Norine Crosby.

Mailing Clerk, Miss Lucy Read.

Assistant Mailing Clerk, Mildred Cannon.

Superintendent of House, Mrs. W. M. Dickinson.

Mimeograph Clerk, George Black.

Assistant Mimeograph Clerk, Neva Harris.

Page for Doorkeeper, William Nabours.

Page for Assistant Doorkeeper, Hugh Smith.

Secretary to Mr. Van Zandt, Mrs. Olin Van Zandt.

Secretary to Mr. Alsup, Milton Jordan.

Assistant Sergeant-at-Arms, C. E. Powell.

Bookkeeper to Sergeant-at-Arms, J. T. Hamilton.

Storekeeper to Sergeant-at-Arms, Billie Davis.

Clerk to Sergeant-at-Arms, Jesse Hellums.

Telegraph and Telephone Clerk, John D. Rogers.

Night watchman, Bolin Stanley.

Chief operator for voting machine, Lawrence Ledbetter.

Assistant operator for voting machine, A. M. Gribble.

Clerk to Committee on Contingent Expense, Jessie Neal.

Doorkeeper at bar of House, Sumner M. Ramsey, Jr.

Committee clerks: Bill Shuart, Henry Harbour, Horace Parrish.

Stenographers: Jennie King Russell, Helen Moore, Adeline Blakeney, Marguerite Wilson, Pearl Williams, Edna Sherman, Frances Craighead, Josephine Crute, Pearl Creed, Lodusky Reynolds, Mabel Kreiling, Ruby Turpin, Lorna Hatch, Bertha Johnson, Merle Carter, Luther W. Davis, Jonnie Mae Watson, Katharine Fogle, Mallie Plemons, Lois Watson, Mary Ruth Gaither, Gertrude Tucker.

Pages: Clyde Stephenson, James Keltner, Ben King, Ernest Elam, Marion Wheeler, C. N. Root, Chester Kornasgy, Wilbur Kelly, Edwin McKeller, Jr., J. T. Patterson, Douglas King, Wilbur Taylor.

Engrossing Department: Tilden Childs, Jessie Traynor, Christine Rimes, Alpha Peyton.

Enrolling Department: Ima Williams, Lillian Johnson, Mamie Bridwell, Adele Jacobs.

Porters: George Hunt, head por-

ter; John A. White, Madison Dabney, M. T. Piper, Lewis Gilbert, Andrew Lasha, R. D. Gilmore, Rufus Pope, Henry Blair, Tom Kincheon, Sherman Gordon, Joe Kimble.

Maid for Ladies' Rest Room, Magnolia Hedspeth.

INVITING THE HON. JOHN NANCE GARNER TO ADDRESS THE LEGISLATURE.

Mr. Johnson of Dimmit offered the following resolution:

H. C. R. No. 2, Inviting the Hon. John Nance Garner to address a joint session of the House and Senate.

Whereas, Information has been received that Honorable John N. Garner, of Uvalde, Texas, present United States Congressman and Democratic nominee for Vice-President of the United States, will be in Austin Monday, November 7, 1932; now, therefore, be it

Resolved by the House of Representatives of the Forty-second Legislature, Fourth Called Session, the Senate concurring, That we do hereby tender to our distinguished Texan a cordial invitation to visit the Legislature, and to address a joint session of the Senate and House. Be it further

Resolved, That the President of the Senate and Speaker of the House confer with him to this end.

JOHNSON of Dimmit,
FORD,
BOND,
YOUNG,
BRADLEY.

The resolution was read second time.

On motion of Mr. Albritton, the resolution was adopted by a rising vote.

EXTENDING PRIVILEGES OF THE FLOOR TO NOMINEES FOR THE FORTY-THIRD LEGISLATURE.

Mr. Steward offered the following resolution:

Whereas, A number of the Democratic nominees for membership in the Forty-third Legislature and/or members-elect are present in Austin and others will probably visit here during this session; now, therefore,

By unanimous consent of the House of Representatives said nominees and/or members-elect are hereby tendered the privileges of the floor during this session.

STEWART,
VAUGHAN,
HUGHES.

The resolution was read second time and was adopted.

MESSAGE FROM THE GOVERNOR.

The Speaker laid before the House and had read the following message from the Governor:

Executive Office,

Austin, Texas, November 3, 1932.

To the Members of the Forty-second Legislature:

On the 14th day of July, 1931, I convened you in extraordinary session, for the purpose of passing laws to conserve the natural resources of this State, and submitted to you a message from which I quote in part as follows:

"A grave crisis confronts the State in the conservation of its natural resources. The earth's reservoirs of oil and gas are being drained and virtually thrown away, and enormous underground waste is resulting from the orgy of disorderly production.

"Section 59 of the State Constitution declares: 'The conservation and development of all the natural resources of this State and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties. * * *

"Aside from these legal public rights and duties, Texas of today owes a solemn moral obligation to Texas of tomorrow, not to exhaust and dissipate its resources needlessly so as to deprive oncoming generations of their benefits. * * *

"Existing laws are inadequate to carry out the conservation clause of the State Constitution, and in consequence, the State is suffering grievously. The oil industry, one of the State's principal sources of wealth, is demoralized and tottering on its foundations; thousands of people, directly dependent upon the industry, are going bankrupt; hundreds of thousands, perhaps millions, of others are feeling the effects indirectly; and the State itself is losing millions of dollars annually in reduced gross production tax receipts—all due to the

wanton release and waste of oil and gas which nature has been storing up for thousands of years in the subterranean sands.

"So acute and disturbing has the emergency become, that citizens from all over Texas have besieged the Executive Office with telegrams, letters, petitions, long distance calls and personal visits, urging the convening of a special session of the Legislature to cope with the problem. Numerous chambers of commerce, local governing bodies, land, lease and royalty owners, business men and the vast majority of small independent oil men, have joined in the demand, pleading that immediate legislation was the only course that offered substantial relief.

"Not wishing to put the State to the expense and the members to the inconvenience of an extraordinary session unnecessarily, I withheld action for several weeks, hoping that the conservation problem might be worked out through voluntary public effort. However, such effort apparently has proved fruitless; and finally, after many members of the Legislature had added their advocacy of a session and the enactment of a conservation law, I concluded that this course should be taken. * * *

In response to the proclamation, which I issued at that time, and in response to my request, you faithfully performed your duties and enacted a conservation measure, which I gladly approved and which measure has been upheld by the Federal court as a valid law on the subject.

Most assuredly, I would not, at this time, have called you into extraordinary session except I believe a grave crisis again confronts the State and our people, on account of the Federal court having held that the Railroad Commission has gone beyond the authority given in this statute enacted at that time in promulgating their orders as to proration and conservation of oil and gas. I respectfully call your attention to the decision in the recent case of Peoples Petroleum Producers, Inc., et al. vs. Lon A. Smith et al., wherein a three-judge Federal court, consisting of Judges Hutcheson, Bryant and Grubb held as invalid orders of the Railroad Commission of Texas in an attempt to conserve the oil and gas resources of the State.

I invite your attention to the fact that during the consideration of the conservation measure which you wise-

ly enacted at the First Called Session of the Forty-second Legislature, and under which the Railroad Commission is now operating, it was my belief, and it was the belief of a majority of the members of the Legislature, that the act would be rendered invalid if it authorized the Railroad Commission to take into consideration the reasonable market demand for oil and gas in determining the amount of oil or gas which might be taken from any well or wells, or any given pool or pools, in order to prevent waste, which I believed would be held by the courts as a price-fixing measure.

Since the adjournment of the session at which our present conservation statute was passed, the Supreme Court of the United States, in the case of Corporation Commission of the State of Oklahoma et al. vs. Champlain Refining Company (Vol. 13, Advance Opinions of the U. S. Supreme Court, p. 725 et seq.) in reviewing a statute of the State of Oklahoma, has specifically held that a statute which authorized the Corporation Commission of the State of Oklahoma to take into consideration the reasonable market demand for oil and gas, in determining what would constitute waste, was not a price-fixing measure, and was a valid delegation of power and authority to the Corporation Commission, and that such act was constitutional.

I have invited your attention to the recent case of Peoples Petroleum Producers, Inc., et al. vs. Lon A. Smith et al., wherein the Federal court, consisting of the three judges named, upheld as valid our present conservation statutes, but nevertheless also held that the Legislature, having expressly withheld from the Railroad Commission the right or authority to take into consideration the reasonable market demand for oil or gas, and it was apparent that the Railroad Commission in fixing the allowable necessarily took into consideration the reasonable market demand for oil and gas, and which was not authorized by the Texas statute,—in fact specifically denying to the Railroad Commission the right to take such matters into consideration, that the orders of the Railroad Commission, in its effort to conserve these natural resources, and in its effort to comply with the authority given under our conservation law, were invalid, and that the allowable as determined and fixed by the Railroad Commission was without au-

thority of law and exceeded the authority given by the Legislature.

As a result of the holding of the Federal court in passing upon the orders of the Railroad Commission, and reviewed by the court in the case of Peoples Petroleum Producers, Inc., et al. vs. Lon A. Smith et al., it is apparent that in order to conserve the State's greatest natural resource, oil and gas, and in order to empower the Railroad Commission to take into consideration as an element of waste the production of oil or gas beyond the reasonable market demand therefor, it is necessary that our present conservation laws be amended so as to authorize the Railroad Commission to take into consideration as an element of waste the production of oil or gas beyond the reasonable market demand therefor.

In view of the holding of the Supreme Court of the United States in the Oklahoma case, reference to which I have made, and in view of the three-judge Federal court striking down the orders of the Railroad Commission for the reasons and in the manner as pointed out in the opinion of said three-judge court, it is apparent that conditions such as existed prior to, and during the time you were considering an amendment to our conservation laws, and as pointed out in my message of July 14, 1931, above quoted, will again exist, and the State's greatest natural resource,—oil and gas,—will be wasted and destroyed, resulting in a tremendous financial injury to the State, especially to the taxpayers and the public schools. It is apparent to me that under such conditions the State's income, as a result of the gross production tax on oil will be reduced from approximately sixteen thousand dollars per day to a few thousand dollars per day, thus depriving the State of a tremendous amount of revenue so essentially necessary at this time to defray the expenses of government, especially the public schools, which must be protected.

Therefore, believing a crisis confronts the State of Texas, and for the reasons I have given herein, I feel it is my duty as the Chief Executive of the State of Texas, and as the representative of all the people of Texas, to reconvene you in extraordinary session, to the end that you may amend our present oil and gas conservation statutes as, in your wisdom, will meet the conditions now confronting the

people of our State as a result of the decision in the case of Peoples Petroleum Producers et al. vs. Lon A. Smith et al.

I am sure that you understand and appreciate the gravity of the situation and that you will give your usual prompt and careful consideration to this subject.

Respectfully,
R. S. STERLING,
Governor of Texas.

BILL ORDERED NOT PRINTED.

On motion of Mr. Sanders, House bill No. 1 was ordered not printed.

HOUSE BILL NO. 1 ON SECOND READING.

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 1 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Mr. Speaker.	Fisher.
Adams of Harris.	Forbes.
Adams of Jasper.	Ford.
Adamson.	Fuchs.
Akin.	Giles.
Albritton.	Goodman.
Alsup.	Graves.
Anderson.	Greathouse.
Beck.	Grogan.
Bedford.	Hanson.
Bond.	Hardy.
Bounds.	Harrison
Boyd.	of Waller.
Bradley.	Hefley.
Brice.	Herzik.
Bryant.	Hines.
Burns.	Holder.
of McCulloch.	Holland.
Carpenter.	Hoskins.
Caven.	Hughes.
Coltrin.	Jackson.
Coombes.	Johnson
Cox of Lamar.	of Dimmit.
Cox of Limestone.	Jones of Shelby.
Cunningham.	Jones of Atascosa.
Daniel.	Justiss.
Donnell.	Kayton.
Dowell.	Laird.
Elliott.	Lemens.
Engelhard.	Lilley.
Farmer.	McCombs.
Ferguson.	McGill.
Finn.	McGregor.

Magee.	Shelton.
Mathis.	Sherrill.
Metcalfe.	Smith of Bastrop.
Moore.	Smith of Wood.
Morse.	Sparkman.
Murphy.	Stephens.
Nicholson.	Stevenson.
Olsen.	Steward.
O'Quinn.	Strong.
Patterson.	Van Zandt.
Pope.	Vaughan.
Ramsey.	Wagstaff.
Ray.	Walker.
Reader.	Weinert.
Rountree.	West of Coryell.
Sanders.	West of Cameron.
Satterwhite.	Westbrook.
Savage.	Wiggs.
Scott.	

Absent.

Adkins.	Lee.
Baker.	Leonard.
Barron.	Lockhart.
Brooks.	Long.
Claunch.	McDougald.
Davis.	Martin.
Dodd.	Moffett.
Dunlap.	Petsch.
Dwyer.	Ratliff.
Farrar.	Richardson.
Harrison	Tarwater.
of El Paso.	Terrell
Hill.	of Cherokee.
Holloway.	Terrell
Hubbard.	of Val Verde.
Johnson	Towery.
of Dallam.	Warwick.
Keller.	Wyatt.
Lasseter.	Young.

Absent—Excused.

Burns of Walker.	Mehl.
Dale.	Munson.
Duvall.	Rogers.
Harman.	Sullivant.
Howsley.	Turner.
Kennedy.	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary, out of the general revenues, to pay the per diem and mileage of members, the per diem of officers and employes and the contingent expenses of the Fourth Called Session of the Forty-second Legislature of the State of Texas, convened on the 3rd day of November, 1932, by proclamation of the

Governor; to supplement the like appropriation of the Regular Session, First, Second and Third Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers or employes of the Regular Session, First, Second and Third Called Sessions of said Legislature, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 1 ON THIRD READING.

The Speaker then laid House bill No. 1 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—100.

Mr. Speaker.	Hardy.
Adams of Harris.	Harrison
Adams of Jasper.	of Waller.
Adamson.	Hefley.
Akin.	Herzik.
Albritton.	Hines.
Alsup.	Holder.
Anderson.	Holland.
Barron.	Hoskins.
Beck.	Hughes.
Bedford.	Jackson.
Bond.	Johnson
Bounds.	of Dimmit.
Boyd.	Jones of Shelby.
Bradley.	Jones of Atascosa.
Brice.	Justiss.
Bryant.	Kayton.
Burns	Laird.
of McCulloch.	Lemens.
Carpenter.	Lilley.
Caven.	Long.
Coltrin.	McCombs.
Coombes.	McGill.
Cox of Lamar.	McGregor.
Cox of Limestone.	Magee.
Cunningham.	Mathis.
Daniel.	Metcalfe.
Donnell.	Moore.
Dowell.	Morse.
Elliott.	Murphy.
Engelhard.	Nicholson.
Farmer.	Olsen.
Ferguson.	Patterson.
Finn.	Petsch.
Forbes.	Pope.
Ford.	Ramsey.
Fuchs.	Ray.
Giles.	Reader.
Goodman.	Rountree.
Graves.	Sanders.
Greathouse.	Satterwhite.
Grogan.	Savage.
Hanson.	Scott.

Shelton.	Van Zandt.
Sherrill.	Vaughan.
Smith of Bastrop.	Wagstaff.
Smith of Wood.	Walker.
Sparkman.	Weinert.
Stephens.	West of Coryell.
Stevenson.	Westbrook.
Steward.	Wiggs.
Strong.	

Present—Not Voting.

Fisher.

Absent.

Adkins.	Leonard.
Baker.	Lockhart.
Brooks.	McDougald.
Claunch.	Martin.
Davis.	Moffett.
Dodd.	O'Quinn.
Dunlap.	Ratliff.
Dwyer.	Richardson.
Farrar.	Tarwater.
Harrison	Terrell
of El Paso.	of Cherokee.
Hill.	Terrell
Holloway.	of Val Verde.
Hubbard.	Towery.
Johnson	Warwick.
of Dallam.	West of Cameron.
Keller.	Wyatt.
Lasseter.	Young.
Lee.	

Absent—Excused.

Burns of Walker.	Mehl.
Dale.	Munson.
Duvall.	Rogers.
Harman.	Sullivant.
Howsley.	Turner.
Kennedy.	

HOUSE NOTIFIED.

A committee from the Senate appeared at the bar of the House and, being duly announced, stated that the Senate is now organized and ready for the transaction of business.

EXPRESSING SYMPATHY OF
THE HOUSE TO HON.
G. Y. LEE.

Mr. Burns of McCulloch offered the following resolution:

Whereas, On the 24th day of October, A. D. 1932, our mutual friend, collaborer and able member, the Honorable G. Y. Lee of Eden, was severely injured by the accidental discharge of a gun while engaged in transacting the duties of his office; and

Whereas, The condition of Mr. Lee, although greatly improved, is such

that he will not be able to participate in the proceedings of this legislative session for some days; now, therefore, be it

Resolved, That the entire membership of the House learns with exceeding regret the details of this unfortunate incident; and that the members of the House express every hope for his early recovery and complete restoration to his former good health; and be it further

Resolved, That a copy of this resolution be sent to Mr. Lee at his home in Eden.

BURNS of McCulloch,
METCALFE,
STEVENSON,
COLTRIN,
COX of Lamar,
SAVAGE.

Signed—Minor, Speaker; Adams of Harris, Adams of Jasper, Adamson, Adkins, Akin, Alsup, Albritton, Anderson, Baker, Barron, Beck, Bedford, Bond, Bounds, Boyd, Bradley, Brice, Brooks, Bryant, Burns of Walker, Carpenter, Caven, Claunch, Coombes, Cox of Limestone, Cunningham, Dale, Daniel, Davis, Dodd, Donnell, Dowell, Dunlap, Duvall, Dwyer, Elliott, Engelhard, Farmer, Farrar, Ferguson, Finn, Fisher, Forbes, Ford, Fuchs, Giles, Goodman, Graves, Greathouse, Grogan, Hanson, Hardy, Harman, Harrison of El Paso, Harrison of Waller, Hefley, Herzik, Hill, Hines, Holder, Holland, Holloway, Hoskins, Howsley, Hubbard, Hughes, Jackson, Jones of Shelby, Jones of Atascosa, Johnson of Dallam, Johnson of Dimmit, Justiss, Kayton, Keller, Kennedy, Laird, Lasseter, Lemens, Leonard, Lilley, Lockhart, Long, McCombs, McDougald, Magee, McGill, McGregor, Martin, Mathis, Mehl, Moffett, Moore, Morse, Munson, Murphy, Nicholson, Olsen, O'Quinn, Patterson, Petsch, Pope, Ramsey, Ratliff, Ray, Reader, Richardson, Rogers, Rountree, Sanders, Satterwhite, Scott, Shelton, Sherrill, Smith of Bastrop, Smith of Wood, Sparkman, Stephens, Steward, Strong, Sullivant, Tarwater, Terrell of Cherokee, Terrell of Val Verde, Towery, Turner, Van Zandt, Vaughan, Wagstaff, Walker, Warwick, Weinert, West of Coryell, West of Cameron, Westbrook, Wiggs, Wyatt, Young.

The resolution was read second time.

On motion of Mr. Carpenter, the names of all the members of the

House were added to the resolution as signers thereof.

The resolution was then adopted unanimously.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, November 4, 1932.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 1, Inviting Hon. John Nance Garner to address the joint session of the Legislature.

Respectfully,
BOB BARKER,
Secretary of the Senate.

ADJOURNMENT.

On motion of Mr. Hardy, the House, at 11 o'clock a. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Appropriations: House bill No. 1.
State Affairs: House bill No. 2.

THIRD DAY.

(Saturday, November 5, 1932.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Boyd.
Adams of Harris.	Bradley.
Adams of Jasper.	Brice.
Adamson.	Bryant.
Adkins.	Burns of Walker.
Akin.	Burns
Albritton.	of McCulloch.
Alsup.	Carpenter.
Anderson.	Caven.
Barron.	Coltrin.
Beck.	Coombes.
Bedford.	Cox of Lamar.
Bond.	Cox of Limestone.
Bounds.	Cunningham.

Dale.	McDougald.
Daniel.	McGill.
Donnell.	McGregor.
Dowell.	Magee.
Elliott.	Metcalf.
Engelhard.	Moffett.
Farmer.	Moore.
Farrar.	Morse.
Finn.	Murphy.
Fisher.	Nicholson.
Forbes.	O'Quinn.
Ford.	Patterson.
Fuchs.	Pope.
Giles.	Ramsey.
Goodman.	Ray.
Graves.	Reader.
Hanson.	Richardson.
Hardy.	Rogers.
Harrison	Rountree.
of El Paso.	Sanders.
Harrison	Satterwhite.
of Waller.	Savage.
Hefley.	Scott.
Herzik.	Shelton.
Hines.	Sherrill.
Holder.	Smith of Bastrop.
Holland.	Smith of Wood.
Holloway.	Sparkman.
Hoskins.	Stephens.
Howsley.	Stevenson.
Hughes.	Steward.
Jackson.	Strong.
Johnson	Tarwater.
of Dallam.	Terrell
Johnson	of Cherokee.
of Dimmit.	Towery.
Jones of Shelby.	Turner.
Jones of Atascosa.	Van Zandt.
Justiss.	Vaughan.
Keller.	Wagstaff.
Laird.	Walker.
Lasseter.	Warwick.
Lemens.	Weinert.
Leonard.	West of Coryell.
Lilley.	West of Cameron.
Long.	Wiggs.
McCombs.	Young.

Absent.

Baker.	Martin.
Brooks.	Mathis.
Claunch.	Munson.
Dodd.	Olsen.
Dunlap.	Petsch.
Dwyer.	Ratliff.
Greathouse.	Westbrook.
Kayton.	Wyatt.
Lockhart.	

Absent—Excused.

Davis.	Kennedy.
Duvall.	Lee.
Ferguson.	Mehl.
Grogan.	Sullivan.
Harman.	Terrell
Hill.	of Val Verde.
Hubbard.	